Gazette Extraordinary No. 118 dated 21st November 1958.
L. A. Bill No. 40 of 1958.

NOTIFICATION

LA4-3105|58.

Dated, Trivandrum, 21st November 1958.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) SECOND AMENDMENT BILL, 1958

A

BILL

further to amend the Madras Buildings (Lease and Rent Control) Act, 1949.

Preamble.—WHEREAS it is expedient further to amend the Madras Buildings (Lease and Rent Control) Act, 1949, for the purpose hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Buildings (Lease and Rent Control) Second Amendment Act, 1958.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), for the words, figures and letters "the 30th September 1958", the words, figures and letters "the 31st March 1959" shall be substituted.

3. *Repeal and saving.*—(1) The Madras Buildings (Lease and Rent Control) Second Amendment Ordinance, 1958 (7 of 1958), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the Madras Buildings (Lease and Rent Control) Act, 1949, as amended by the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under the said Act, as if this Act were in force on the date on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

By the Madras Buildings (Lease and Rent Control) Amendment Act, 1958 (Act 19 of 1958), the period of operation of the Madras Buildings (Lease and Rent Control) Act, 1949, as in force in the Malabar area of the State, was extended up to 30th September 1958. It was thought that by that time, the Kerala Buildings (Lease and Rent Control) Bill, which seeks to enact a uniform law on the subject applicable to the whole of the State of Kerala, could be passed into law. But the unified Bill could not be passed by the Legislative Assembly during its last session and therefore it was considered necessary to extend the period of operation of the Madras Act for a further period of six months, by which time the unified Bill is expected to become law. To give effect to this proposal, Ordinance No. 7 of 1958 was promulgated by the Governor on 28-9-1958.

The Bill seeks to replace this Ordinance by an Act of the Legislature.

V. R. KRISHNA IYER.

Gazette Extraordinary No. 118 dated 21st November 1958.

L. A. Bill No. 39 of 1958.

NOTIFICATION

LA4-3104|58. *Dated, Trivandrum, 21st November 1958.*

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) BILL, 1958

A

BILL

further to amend the Madras District Municipalities Act, 1920.

Preamble.—WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras District Municipalities (Amendment) Act, 1958.

(2) It shall come into force at once.

2. *Extension of term of office of councillors of municipalities expiring on 1st November, 1958.*—Notwithstanding anything to the contrary contained in section 8 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), (hereinafter referred to as the said Act), the term of office of the councillors of every municipality constituted under the said Act shall extend up to noon on the first day of April, 1959.

3. *Date of elections and term of office of councillors.*—The provisions of the said Act shall have effect, subject to the following modifications, namely:—

(a) The Government shall cause elections to be held to every municipality concerned, so that the newly elected members may come into office on the first day of April, 1959.

(b) The term of office of the newly elected councillors shall expire at noon on the first day of January, 1962.

4. *Supersession of council on expressing opinion against extension of term.*—(1) Notwithstanding anything to the contrary contained in section 2, where a municipal council, the term of office of the councillors of which has been extended

under that section, has, before the commencement of this Act, passed a resolution with the support of not less than three-fourths of the number of councillors present and voting expressing opinion against such extension, or passes such a resolution with such support as is specified above, after the commencement of this Act, it shall be lawful for the Government, by notification in the Gazette, to supersede the council till the first day of April, 1959.

(2) The supersession shall take effect from such date as may be specified in the notification, or, if no date is therein specified, from the noon on the date of publication of the notification and thereupon the following consequences shall ensure:—

(a) All the members of the council as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices.

(b) All or any of the functions of the council and of its chairman, including where the chairman is also the executive authority, his functions as such may, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the Government may determine, by a special officer appointed by the Government in that behalf and such special officer may, if the Government so direct, receive payment for his services from the municipal fund.

(3) When a council is superseded under this section, the Government until the date of the reconstitution thereof and the reconstituted council thereafter shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the supersession and on the date of the reconstitution respectively.

5. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, or of the said Act as amended by this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

6. *Repeal and Saving.*—(1) The Madras District Municipalities (Amendment) Ordinance, 1958 (9 of 1958), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

Under Section 8 of the Madras District Municipalities Act, the term of the Members of the Municipal Councils in the Malabar area was to have expired on 1-11-1958. The date of expiry of the term of the Municipal Councils in

Travancore-Cochin area is 1-1-1959. It was considered desirable to hold the general election to the Municipal Councils in the whole State at the same time. The Government therefore decided to extend the term of all the Councils till 1-4-1959 and to conduct general elections early in 1959. Since there was no Session of the Legislative Assembly before 1-11-1958, Ordinance No. 9 of 1958 was promulgated by the Governor on 27th October, 1958, extending the term of the Municipal Councils in Malabar area till 1-4-1959.

The Bill is intended to replace the above Ordinance by an Act of the Legislature.

T. V. THOMAS.